

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NATIONAL TPS ALLIANCE, et al.,

Plaintiffs,

v.

KRISTI NOEM, et al.,

Defendants.

Case No. 25-cv-01766-EMC (SK)

**ORDER REGARDING USE OF NON-
GOVERNMENTAL
COMMUNICATIONS METHODS**

Regarding Docket No. 182

On May 29, 2025, the District Court ordered Defendants to *immediately* ask 20 custodians at issue whether they used means of communication other than government email and OneDrive with respect to TPS decisions. (Dkt. No. 161.) Defendants were required to file a declaration attesting to these conversations by June 3, 2025. (*Id.*) Defendants filed late and incomplete declarations on June 5, 2025. (Dkt. No. 182.) Defendants have not yet directly questioned Secretary of Homeland Security Kristi Noem, Deputy Secretary Troy Edgar, or Corey Lewandowski. (Dkt. No. 182-1.) The declaration from Kateland Jackson, submitted by Defendants, states that “my understanding based on what was relayed to me by those who discussed this with them is that they do not use their personal devices for work purposes and have no recollection of deviating from that practice here.” (*Id.*) This hearsay is insufficient.

In addition, in the declaration of Heather Martin, also submitted by Defendants, she attests that USCIS custodians “were asked” about their communications methods, but she does not state that she personally questioned the custodians or otherwise establish her personal knowledge. (Dkt. No. 182-2.) This is also unacceptable.

///

///

///

1 The Court ORDERS Defendants to file a declaration(s) from a person(s) with personal
2 knowledge certifying that Secretary Noem, Deputy Secretary Edgar, Lewandowski, and all
3 relevant USCIS custodians were questioned about their means of communications other than
4 government email and OneDrive with respect to TPS decisions and what their responses were on
5 or before June 10, 2025.

6 **IT IS SO ORDERED.**

7 Dated: June 6, 2025



8
9 SALLIE KIM
United States Magistrate Judge